

REMARKS

A. New Claims 11-13 Are Patentable over the Cited References.

Claims 6-8 were rejected (1) as being anticipated by Crossen (US 6,513,283), and (2) as being obvious over Crossen in view of Bartlett, Jr. (US 5,948,814) or Faucillon (US 4,486,973). In an effort to expedite prosecution, and without prejudice to re-introducing the rejected claims in a continuing application, these claims have been canceled as have withdrawn claims 9 and 10. New claims 11-13 have been added to more clearly distinguish the cited references.

1. New Claim 11

Crossen discloses a plastic bait station (104, 128) attached to a weight (100, 120). Crossen does not disclose or suggest, as recited in new claim 11, providing a receptacle configured to hold weighted material, the receptacle having protrusions respectively configured to extend through the openings in the bottom of the plastic bait station; placing pre-formed weighted material in the receptacle; and securing the plastic bait station to the receptacle, the securing including causing the protrusions of the receptacle to extend through the openings in the bottom of the plastic bait station.

In its obviousness rejection, the Office states that “[a]lternatively Crossen does not disclose the receptacle having a cavity for holding weighting material” (note that the present claims recite a receptacle for holding weighted material) and states that Bartlett, Jr. discloses a receptacle that the Office identifies as either element number 56 or element number 1. The Office, Applicant believes, intended to reference Faucillon when it identified element number 1. The Office then contends that it would have been obvious to modify “the receptacle of Crossen such that the receptacle has a cavity for holding weighting material in view of Bartlett, Jr. or Faucillon in order to provide a receptacle which can be filled with any weighting material having

the desired density as preferred by the user.” The purported combinations do not establish a *prima facie* case of obviousness of either new claim 11 or new claim 13.

a. The asserted combination of Crossen and Bartlett, Jr.

Claim 11 specifies “placing pre-formed weighted material in the receptacle[.]” An example of pre-formed weighted material is a block (see paragraph [1003] of the present application). The “receptacle” of Bartlett, Jr. is a mold 56 in which *concrete is poured* in order to form runners 14, 16. The wire mesh 18 terminates in the poured concrete, which then sets and remains attached. See FIGS. 2 and 3 of Bartlett, Jr. Thus, there is no teaching in either reference—even taking them together—of placing pre-formed weighted material in a receptacle. Furthermore, Bartlett, Jr.’s mold 56 does not include (nor is there any suggestion that it include) protrusions respectively configured to extend through openings in the bottom of the wire mesh lobster trap (or that could extend through openings in Crossen’s bait station), as recited in claim 11. For this additional reason, claims 11 and 12 are patentable over the cited combination.

b. The asserted combination of Crossen and Faucillon

Like Crossen and Bartlett, Jr., Faucillon fails to teach or suggest placing pre-formed weighted material into a receptacle, as recited in claim 11. Instead, the bottom 1 of Faucillon’s trap includes a peripheral channel for holding concrete “or other like ballast may be poured” (col. 1, lines 35-39); the concrete is poured into openings 12 and apparently flows through passages in the bridge separators 13 to provide a continuous ring of weighted material. Col. 2, lines 37-41. Further still, bottom 1 of Faucillon does not have any protrusions respectively configured to extend through openings in the bottom of the shellfish cage to which it can be hingedly coupled (or that could extend through openings in Crossen’s bait station). For this additional reason, claims 11 and 12 are patentable over the cited combination.

2. New Claim 13

New independent claim 13 is also patentable over the cited references. Crossen does not disclose or suggest, as recited in new claim 13, providing a receptacle configured to hold weighted material, the receptacle having one or more integrally formed protrusions (see, e.g., protrusions 5050 in FIG. 5 of the present application) respectively configured to extend through the one or more openings in the bottom of the plastic bait station; placing pre-formed weighted material in the receptacle; and securing the plastic bait station to the receptacle, the securing including causing the one or more protrusions of the receptacle to extend through the one or more openings in the bottom of the plastic bait station. For at least the reasons set forth above, neither Bartlett, Jr. nor Faucillon cures all of Crossen's deficiencies.

B. Conclusion

Claims 11-13 are in condition for allowance. The Examiner is invited to contact Applicant's attorney with any questions or comments relating to this application.

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